

Application Number: 09/605,979
Reply to Office Action Dated July 18, 2007

REMARKS

This amendment is responsive to the Office Action dated July 18, 2007 for which a three (3) month period of response was given. A Petition and fee for a one (1) month extension of time accompany this paper. However, should an extension of time and/or additional claim fees be due, the Commissioner is hereby authorized to treat this paper as a Petition for any needed extension of time and to charge any fees due to Deposit Account No. 50-0959, Attorney Docket No. 089498.0314.

Claims 1 through 42 are pending in the present application. Claims 23, 32, and 37 through 42 have been amended. Support for the amendments to claims 23, 32, and 37 through 42 can be found in the specification as originally filed. Accordingly, no new matter has been added. As such, entry and consideration of the amendments to the claims is believed due and is respectfully requested.

The Applicants would like to thank the Examiner for the acknowledgement of the allowability of claims 1 through 15, 35 and 36.

L. The 35 U.S.C. § 112 First Paragraph Rejection:

Claims 16 through 31 and 37 through 40 have been rejected under 35 U.S.C. § 112 first paragraph for failing to comply with the written description. The Examiner contends that the subject matter of claims 16 through 31 and 37 through 40 is not described in the specification to reasonably convey to one of skill in the art that the inventors had possession of the claimed invention. Specifically, the Examiner contends that the specification does not disclose a nonwoven layer. Applicant respectfully disagrees for at least the following reasons.

The Applicants' would like to draw the Examiners attention to the fact that the term nonwoven is defined in the American Heritage Dictionary as something "made by a process not involving weaving" or is a "material or a fabric made by a process not involving weaving." Thus, the ordinary and customary meaning of the claim term is proof that the inventor had possession of the invention.

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In the event Examiner disagrees with the definition, Applicants would like to point out that the Examiner's definition of nonwoven as "a type of textile or web having structural integrity imparted by continuous or discontinuous strands of fibers held together in random or ordered array by mechanical interlocking or bonding" supports claims 16 through 31 and 37 through 40. Support for this proposition can be found at column 2, line 57 through column 3, line 3 and column 7, line 58 through line 66.

For at least the above reasons, the 35 U.S.C. § 112, first paragraph, rejections of claims 16 through 31 and 37 through 40 are believed to have been rendered moot, and withdrawal thereof is believed due and is respectfully requested.

II. The 35 U.S.C. § 112 Second Paragraph Rejection:

Claims 24, 39 and 40 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite. Claims 24, 39 and 40 have been amended to clarify the relationship between the polymeric layer and the non-woven polymeric layer.

For at least the above reasons, the 35 U.S.C. § 112, second paragraph, rejections of claims 24, 39 and 40 are believed to have been rendered moot, and withdrawal thereof is believed due and is respectfully requested.

III. The 35 U.S.C. § 102 Rejections

Claims 32 and 34 have been rejected under 35 U.S.C. §102(b) over Moore et al. (U.S. Patent No. 4,338,234). Specifically, the Examiner contends that Moore et al. discloses the disbursement of chopped glass fibers onto a mat or sheet. As such a surface is prepared by placing a film of polymer onto the surface. To this film of polymer, chopped glass fibers are added, followed by a second polymer film. Moore et al. teaches that the glass fibers are sandwiched using the force generated by the combination of two polymeric layers.

On the other hand, the present invention teaches premixing the fibers in solution prior to extrusion. (see column 6, lines 20 through 56) This the fibers are added and/or dispersed in a suitable polymeric solution or latex. One of ordinary skill in the art, upon reading and understanding Moore et al., would realize that Moore et al. does not teach the fibers being premixed in solution prior to extrusion.

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Given the above, since Moore et al. clearly fails to disclose, teach or suggest premixing the fibers into a solution prior to extrusion, Moore et al. does not disclose or suggest each and every element of amended claim 32. As such, Moore et al. fails to anticipate or render obvious claims 32 and 34. Accordingly, withdrawal of this rejection is believed due and is respectfully requested.

Claims 23 through 25, 31, 32, 34 and 39 through 42 have been rejected under 35 U.S.C. §102(b) over Eichhorn et al. (U.S. Patent No. 4,596,736). Specifically, the Examiner contends Eichhorn et al. discloses a laminate structure having three layers, namely two fiber reinforced outer layers around a non-reinforced inner layer. The fibers used in Eichhorn et al. are chopped fibers having a length of 0.06 to 2 inches.

In contrast, the present invention as stated in amended claims 23 and 32 requires only two layers to yield a polymeric film having increased cut resistance. Since claims 23 and 32 have been amended to state that the polymer film claimed therein consists essentially of a polymeric layer and a non-woven polymeric layer, one of ordinary skill in the art would recognize that the three layered film of Eichhorn et al. would only result upon an impermissible modification of the novel and inventive characteristics of the film recited in pending claims 23 and 32.

Given the above, Eichhorn et al. clearly fails to disclose, teach or suggest a film with two layers. Since Eichhorn et al. fails to disclose or suggest each and every element of the presently claimed invention, Eichhorn et al. can not anticipate or render obvious claims 23 through 25, 31, 32, 34 and 39 through 42. Accordingly, withdrawal of this rejection is believed due and is respectfully requested.

IV. The 35 U.S.C. § 103(a) Rejections

Claims 33, 41, and 42 have been rejected under 35 U.S.C. §103(a) as being obvious in view of Moore et al. (U.S. Patent No. 4,338,234). The Examiner argues the use of the materials listed in claim 33 to be known to one of ordinary skill in the art. The Examiner further argues the fiber/polymer weight ratio as known in the art. In view of the amendment made to claim 32, Moore et al., fails to disclose, teach or suggest an article formed from the polymeric film of claim 32. Since Moore et al. fails to disclose the claimed film as recited in

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amended claim 32, Moore et al. cannot render obvious the subject matter of claims 33, 41, and 42.

Claims 26, 27, 30 and 33 have been rejected under 35 U.S.C. §103(a) as being obvious in view of Eichhorn et al. (U.S. Patent No. 4,596,736). Given the amendment made to claims 23 and 32, Eichhorn et al. clearly fails to disclose teach or suggest the two layer polymeric film of the present invention. Thus, Eichhorn et al. cannot render obvious the subject matter of claims 26, 27, 30 and 33. As such, the rejection of claims 26, 27, 30 and 33 as obvious over Eichhorn et al. is moot and withdrawal thereof is believed due and respectfully requested.

V. Conclusion:

Accordingly, reconsideration and withdrawal of the pending rejection of claims 16 through 34 and 37 through 42 is respectfully requested.

For at least the foregoing reasons, claims 1 through 42 of the present application are believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



Joseph J. Crimaldi, Reg. No. 41,690
Roetzel & Andress
222 S. Main St.
Akron, Ohio 44308
(330) 376-2700

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